

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charis Jones	Team: Squad #3	CCRB Case #: 202005986	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/21/2020 5:30 PM	Location of Incident: West 120th Street and St Nicholas Avenue	Precinct: 28	18 Mo. SOL 2/21/2022	EO SOL 5/4/2022	
Date/Time CV Reported Wed, 09/02/2020 5:00 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 09/02/2020 5:00 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Matthew Sgambati	04473	944997	NARCBMN
2. SGT Michael Pomerantz	00000	947364	STR FOR
3. DT3 Christopher Derco	02647	946917	NBMN MAJOR

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Pomerantz	Abuse: Sergeant Michael Pomerantz stopped § 87(2)(b)	
B.DT3 Matthew Sgambati	Abuse: Detective Matthew Sgambati frisked § 87(2)(b)	
C.DT3 Matthew Sgambati	Abuse: Detective Matthew Sgambati searched § 87(2)(b)	
D.DT3 Christopher Derco	Abuse: Detective Christopher Derco frisked § 87(2)(b)	
E.DT3 Christopher Derco	Abuse: Detective Christopher Derco searched § 87(2)(b)	
F.SGT Michael Pomerantz	Abuse: Sergeant Michael Pomerantz took a photograph of § 87(2)(b)	
G.SGT Michael Pomerantz	Abuse: Sergeant Michael Pomerantz failed to provide § 87(2)(b) with a business card.	
H.DT3 Christopher Derco	Abuse: Detective Christopher Derco failed to provide § 87(2)(b) with a business card.	
I.DT3 Matthew Sgambati	Abuse: Detective Matthew Sgambati failed to provide § 87(2)(b) with a business card.	
§ 87(4-b) § 87(2)(g)		
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Case Summary

On September 2, 2020, reporting non-witness § 87(2)(b) filed this complaint online at the CCRB website on behalf of her son, § 87(2)(b). The undersigned was assigned the case on September 3, 2020.

On August 21, 2020, at approximately 5:30 p.m., Sergeant Michael Pomerantz, assigned to Narcotics Borough Manhattan North (NARCBMN), stopped § 87(2)(b) at the intersection of West 120th Street and St Nicholas Avenue in Manhattan (**Allegation A: Abuse of Authority, § 87(2)(g)**). Detective Matthew Sgambati, also assigned to the NARCBMN, allegedly frisked and searched § 87(2)(b) (**Allegations B and C: Abuse of Authority, § 87(2)(g)**). Detective Christopher Derco, also assigned to NARCBMN, frisked and searched § 87(2)(b) (**Allegations D and E: Abuse of Authority, § 87(2)(g)**). Sgt. Pomerantz took a photograph of § 87(2)(b) (**Allegation F: Abuse of Authority, § 87(2)(g)**). Sgt. Pomerantz, Det. Sgambati, and Det. Derco failed to provide their business cards to § 87(2)(b) (**Allegations G-I: Abuse of Authority, § 87(2)(g)**).

§ 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

§ 87(2)(b) was not arrested or issued any summonses as a result of this incident.

§ 87(2)(b) provided a cellphone video to the investigation, which captured a portion of the incident (Board Review 01). Officers assigned to the Narcotics Borough Manhattan North were not assigned body-worn cameras (BWC) at the time of the incident.

At the time of the incident, Sgt. Pomerantz held a rank of a Sergeant. He has since been promoted to Lieutenant and is currently assigned to Strike Force. Det Derco has since been reassigned to Narcotics Borough Manhattan North Major Crimes.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant MICHAEL POMERANTZ stopped § 87(2)(b).

Allegation (B) Abuse of Authority: Detective MATTHEW SGAMBATI frisked § 87(2)(b).

Allegation (C) Abuse of Authority: Detective MATTHEW SGAMBATI searched § 87(2)(b).

Allegation (D) Abuse of Authority: Detective CHRISTOPHER DERCO frisked § 87(2)(b).

Allegation (E) Abuse of Authority: Detective CHRISTOPHER DERCO searched § 87(2)(b).

Allegation (F) Abuse of Authority: Sergeant MICHAEL POMERANTZ took a photograph of § 87(2)(b).

Allegation (G) Abuse of Authority: Sergeant MICHAEL POMERANTZ failed to provide § 87(2)(b) with a business card.

Allegation (H) Abuse of Authority: Detective CHRISTOPHER DERCO failed to provide § 87(2)(b) with a business card.

Allegation (I) Abuse of Authority: Detective MATTHEW SGAMBATI failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) (Board Review 02) testified that after visiting a store at West 125th Street and St. Nicholas Avenue in Manhattan, he was riding his non-electric scooter southbound on the sidewalk lining St. Nicholas Avenue. § 87(2)(b) was wearing a white t-shirt and black gym shorts. § 87(2)(b) had his phone and approximately \$40 in his front right pocket and his keys in his left front pocket. § 87(2)(b) held a black plastic bag with a hat he had just purchased. As § 87(2)(b) approached the intersection of West 120th Street and St. Nicholas Avenue, he observed Sgt. Pomerantz looking at him and walking sideways in his direction from approximately 10 feet away. Once Sgt. Pomerantz reached § 87(2)(b), Sgt. Pomerantz put both of his arms around § 87(2)(b) to stop him. § 87(2)(b) and Sgt. Pomerantz faced one another as § 87(2)(b) stumbled back. Sgt. Pomerantz held onto § 87(2)(b) until Det. Sgambati and Det. Derco appeared. Det. Derco took § 87(2)(b)'s bag and scooter out of his hands and put him into handcuffs. § 87(2)(b) asked the officers why he was being handcuffed. In response, Det. Derco asked § 87(2)(b) for his name, where he was coming from, where he lived, where he was going, if he had been arrested before, how old he was, if he lived in the area, and asked § 87(2)(b) to produce his identification. § 87(2)(b) told the officers his name and where he lived. § 87(2)(b) did not provide them with his identification because he did not have it with him. Det. Sgambati simultaneously frisked § 87(2)(b)'s right ankle area and up his right leg. Det. Sgambati went into § 87(2)(b)'s right pants pocket and removed his money and phone, and his left pocket and removed his keys. Sgt. Pomerantz took a photo of § 87(2)(b) on a cellphone. § 87(2)(b) observed Sgt. Pomerantz look at a photograph of another individual on his phone after he took his photo. § 87(2)(b) asked Sgt. Pomerantz if he could see what he was looking at, to which Sgt. Pomerantz responded, "I can't give that information out." Sgt. Pomerantz laughed and told § 87(2)(b) that he could be "twin brothers" with the individual he was looking at on the phone. § 87(2)(b) did not respond. After Det. Sgambati frisked and searched § 87(2)(b), Det. Derco returned § 87(2)(b)'s scooter and bag to him. The officers walked away from § 87(2)(b), got into an unmarked vehicle that was parked on the corner, and drove away. § 87(2)(b) did not receive a business card from any of the officers. After the officers left the location, an unidentified individual approached § 87(2)(b) and told him that what happened was "messed up" and that he recorded the incident on his cellphone. The individual sent the cellphone video to § 87(2)(b) via text. § 87(2)(b) could not provide the name or number of the individual because he had recently gotten a new phone. Per § 87(2)(b)'s Confidential Witness Information Sheet, § 87(2)(b) is a § 87(2)(b)-old black male whose hair is in short twists that hang down near his face (Board Review 18).

Sgt. Pomerantz (Board Review 03) testified that § 87(2)(b) closely resembled a long-term case subject (identified by the investigation as "§ 87(2)(b)") who was wanted for shootings in Maine and Manhattan. § 87(2)(b) was approximately 16 or 17 years old and was involved in five shootings in Harlem and one or two shootings in Maine. § 87(2)(b) was very well known to the Violent Crime Squad and had committed a shooting approximately three or four weeks prior to this incident. Sgt. Pomerantz had interacted § 87(2)(b) approximately five times within a year before his interaction with § 87(2)(b). There were multiple probable cause to arrest I-Cards for § 87(2)(b) that were active on the incident date. Sgt. Pomerantz stated that § 87(2)(b) and the subject had the exact same unique haircut and were similar in age. On the incident date, Sgt. Pomerantz, Det. Sgambati, and Det. Derco were in a police vehicle on their way to a location in Northern Manhattan. Sgt. Pomerantz did not recall where they were going or whether they were conducting enforcement for the long-term investigation involving § 87(2)(b). They were on St. Nicholas Avenue when Sgt. Pomerantz, who was seated in the front passenger seat of moving police vehicle, observed § 87(2)(b) riding his scooter on the sidewalk approximately 10 feet away. Sgt. Pomerantz said to Det. Derco and Det. Sgambati, "Oh my god is that § 87(2)(b)." Det. Derco and Det.

Sgambati agreed with Sgt. Pomerantz that § 87(2)(b) was § 87(2)(b). At that time Sgt. Pomerantz fully believed that § 87(2)(b) was § 87(2)(b) and he approached § 87(2)(b) with the intent of arresting him. Sgt. Pomerantz did not observe any bulges or concealed items on § 87(2)(b)'s person. Sgt. Pomerantz, Det. Sgambati, and Det. Derco stopped § 87(2)(b) and one of them (he could not recall who) put him into handcuffs. § 87(2)(b) was handcuffed because at that time Sgt. Pomerantz considered him to be a violent individual and he was under arrest pursuant to the active I-Cards. Sgt. Pomerantz stated that § 87(2)(b) did not have his identification with him, so they were unable to immediately verify his identity. Sgt. Pomerantz showed § 87(2)(b) a photo of § 87(2)(b) that he had on his phone, so that § 87(2)(b) could see that they looked similar. Sgt. Pomerantz could not recall what § 87(2)(b)'s response was. Sgt. Pomerantz did not conduct a warrant audit for § 87(2)(b) at any point. Sgt. Pomerantz took a photograph of § 87(2)(b) on his department cellphone and sent it to another investigator who was more familiar with § 87(2)(b) to confirm that § 87(2)(b) was not him. Sgt. Pomerantz stated that taking the photograph of § 87(2)(b) was the alternative to taking him to the stationhouse and gathering his fingerprints. Sgt. Pomerantz did not recall observing Det. Sgambati or Det. Derco frisking or searching § 87(2)(b). After receiving a response from the investigator, who confirmed that § 87(2)(b) was not § 87(2)(b), Det. Sgambati took the handcuffs off § 87(2)(b). The officers apologized to him and let him go. Sgt. Pomerantz did not provide § 87(2)(b) with a business card because he did not have any business cards on his person because he was not in an “enforcement capacity” on the incident date and had not intended to be out in the street interacting with people. Sgt. Pomerantz stated that at the time he approached § 87(2)(b) he considered the interaction to be a “Level 4 stop”, which would not require him to provide a business card. Sgt. Pomerantz could not recall if Det. Sgambati and Det. Derco provided § 87(2)(b) with a business card.

Det. Sgambati's (Board Review 04) testified that he, Det. Derco, and Sgt. Pomerantz were canvassing the confines of the 23rd, 25th, and 28th Precinct areas for § 87(2)(b) who had an open felony arrest warrant for a long-term investigation. Det. Sgambati could not recall any additional details about the warrant other than that it was “fairly new.” Det. Sgambati could not recall who instructed him to do this enforcement, when he was instructed, or where he was when he first received the assignment. Det. Sgambati was given a department issued photograph of § 87(2)(b) although he could not recall if he had it with him on the incident date. Det. Sgambati was familiar with § 87(2)(b) prior to the incident date because he had seen him on social media. Det. Sgambati could not recall if he had any interactions with § 87(2)(b) prior to his interaction with § 87(2)(b) nor could he approximate how long he had been familiar with § 87(2)(b). On the incident date, Det. Sgambati was traveling in an unmarked vehicle with Det. Derco and Sgt. Pomerantz near West 120th Street and St Nicholas Avenue. Det. Sgambati, Det. Derco, and Sgt. Pomerantz were looking for § 87(2)(b) regarding the long-term investigation. As they drove, Det. Sgambati, Det. Derco, and Sgt. Pomerantz observed § 87(2)(b) riding his scooter on the sidewalk near West 120th Street and St. Nicholas Avenue. Det. Sgambati could not recall how far away he was from § 87(2)(b) when he initially observed him. Det. Sgambati stated that § 87(2)(b) strongly resembled § 87(2)(b) and that Det. Derco and Sgt. Pomerantz thought the same. Det. Sgambati could not recall whose decision it was to stop § 87(2)(b). Det. Sgambati, Det. Derco, and Sgt. Pomerantz exited their vehicle and approached § 87(2)(b) on the sidewalk. Det. Sgambati, Det. Derco, and Sgt. Pomerantz approached § 87(2)(b) with their shields displayed and identified themselves as police to him. Det. Sgambati stated that at that time he believed that § 87(2)(b) was § 87(2)(b). Det. Sgambati could not recall which, if any, of them primarily interacted with § 87(2)(b). § 87(2)(b) was asked for his name and identification and was immediately handcuffed for the Detective's safety. Det. Sgambati could not recall who asked § 87(2)(b) for his name and identification as well as who handcuffed him. § 87(2)(b) was asked for his name and identification so that they could accurately identify him because at that time they believed he was § 87(2)(b). § 87(2)(b) provided the officers with his first and last name. Det. Sgambati stated that they thought § 87(2)(b) was

falsifying his information because at that time they still believed he was § 87(2)(b) and thought he may have provided an alias. Det. Sgambati did not conduct a warrant audit for § 87(2)(b) at any point. § 87(2)(b) was subsequently frisked. Det. Sgambati could not recall who frisked § 87(2)(b) but knew that that § 87(2)(b) was not searched. At some point during the incident, Sgt. Pomerantz took a photo of § 87(2)(b) and sent it to another officer to confirm that he was not § 87(2)(b). After Sgt. Pomerantz received a response, he instructed Det. Sgambati and Det. Derco to uncuff § 87(2)(b) and to let him go. Det. Sgambati stated that he believed § 87(2)(b) was § 87(2)(b) until Sgt. Pomerantz told him to uncuff him. Det. Sgambati could not recall if he provided § 87(2)(b) with his business card but that § 87(2)(b) should have received a business card because he was stopped.

§ 87(2)(g)

Det. Derco was operating the vehicle when Sgt. Pomerantz pointed out § 87(2)(b) who was riding his scooter on the sidewalk from approximately 10 feet away across the street and said, “That’s him” (referring to § 87(2)(b)). Det. Derco did not see § 87(2)(b) at that time. Det. Derco stopped the vehicle and Det. Sgambati, and Sgt. Pomerantz exited. Det. Derco drove a bit further down the block, made a U-Turn, and stopped the vehicle next to where Det. Sgambati and Sgt. Pomerantz had stopped § 87(2)(b). Upon approach, Det. Derco thought § 87(2)(b) was § 87(2)(b) because they looked very similar. § 87(2)(b) was not “fighting” them; he was not “combative” but appeared angry that he had been stopped. Det. Derco did not observe any bulges or concealed items on § 87(2)(b)’s person. Det. Derco initially stated that he did not frisk or search § 87(2)(b) at any point. Det. Derco could not recall if he observed Det. Sgambati frisk and search § 87(2)(b) at any point. Det. Derco, Det. Sgambati, and Sgt. Pomerantz were trying to confirm § 87(2)(b)’s identity because he did not have his identification with him. Det. Derco could not recall his exact interaction with § 87(2)(b) but believed § 87(2)(b) was asked for his name by one of them. Det. Derco could not recall how they tried to identify § 87(2)(b) or if § 87(2)(b) was ever put into handcuffs. Sgt. Pomerantz took a photograph of § 87(2)(b) and sent it to the “case officer” who oversaw long-term investigation involving § 87(2)(b). The case officer responded saying, “He looks exactly like him, but it is not him.” Det. Derco, Det. Sgambati, and Sgt. Pomerantz apologized to § 87(2)(b) and let him go. Det. Derco did not provide a business card to § 87(2)(b) because he was not the main person conducting the stop. Det. Derco stated that it would be “uncommon” for him to give him a business card as he was not the primary contact officer. Det. Derco clarified that Sgt. Pomerantz was the main contact officer during this stop. Det. Derco carried business cards on his person and stated that they should be provided to those who request them and at the conclusion of every stop.

Cell phone video obtained by the investigation is approximately 59 seconds in length and is attached to IA #10 (Board Review 01). The video starts from the perspective of an unidentified individual standing to the left of § 87(2)(b) who is standing with his back towards a building fence facing the officers. Det. Derco and Det. Sgambati stand on either side of § 87(2)(b). Det. Derco’s back is to the camera. At 00:18, Det. Derco can be seen holding onto § 87(2)(b)’s scooter and black bag. § 87(2)(b) has his hands behind his back. Det. Derco bends down towards the right side of § 87(2)(b)’s body. Det. Derco’s body obscures what his hands are doing during this time. Det. Derco then reaches into § 87(2)(b)’s left pants pocket while Det. Sgambati speaks to him. Det. Sgambati’s words are inaudible. § 87(2)(b) stares straight ahead and does not move any part of his body. At 00:25, Sgt. Pomerantz enters the frame and is on the phone. At 00:37, Det. Sgambati continues to talk to § 87(2)(b). § 87(2)(b) does not move or say anything back and continues to look straight ahead. At 00:54, Sgt. Pomerantz stands in front of § 87(2)(b) and begins speaking to him. His phone is in one hand, and he moves the other while speaking to § 87(2)(b). The officers’ voices are inaudible. At 00:58, Det. Sgambati takes the handcuffs off § 87(2)(b). The video ends abruptly at 00:59.

During his interview, Det. Derco was shown the cell phone footage (Board Review 05). Det. Derco acknowledged frisking § 87(2)(b)'s waistband and pocket area, searching § 87(2)(b)'s pocket, removing his cellphone from it, and putting it back. Det. Derco stated that although he could not recall for certain, he most likely frisked § 87(2)(b) because he had a bulge in his pocket and wanted to ensure that it was not a weapon, and that after discovering that it was § 87(2)(b)'s cellphone, he put it back. Det. Derco did not testify to what weapon he believed § 87(2)(b) could have been concealing at that time. Det. Derco stated that another factor that contributed to his decision to frisk and search § 87(2)(b) was because he believed § 87(2)(b) was § 87(2)(b) and that he was under arrest at that time. Det. Derco stated that "if he didn't look as much like he did," they would not have stopped him. Det. Derco could not recall why he frisked and searched the right side of § 87(2)(b)'s body.

§ 87(2)(g)

Sgt. Pomerantz provided the investigation with the photograph he took of § 87(2)(b) on his department phone on the incident date as well as a photograph he used of § 87(2)(b) for reference (Board Review 06).

On August 19, 2020, a probable cause to arrest I-Card for § 87(2)(b) for murder in the second degree was created by the 23rd Precinct Detective Squad. On October 14, 2020, the I-Card was canceled, and § 87(2)(b) was arrested and taken into custody (Board Review 07).

The Event summary for August 21, 2020 did not reveal any Events occurring in the vicinity of the incident location at the incident time (Board Review 12).

In People v. Wright 100 A.D.2d 523, the court ruled that the stop of the defendant, who resembled the photograph of a suspect in an ongoing investigation of a burglary and assault, by officers was justified because they had a photograph of the suspect with a physical description of him that was provided by his wife written on the back (Board Review 08).

Floyd v. City of New York, 959 F. Supp. 2d 540, held that the purpose of a frisk for weapons is not to discover evidence of crime, but to allow the officer to pursue his investigation without fear of violence. Thus, the frisk must be limited in scope to this protective purpose, and strictly limited to that which is necessary for the discovery of weapons which might be used to harm the officers or others nearby (Board Review 17).

Terry v. Ohio, 392 U.S. 1, 88 S. states that a police officer who has reasonable suspicion to believe that he is dealing with an armed and dangerous individual, regardless of whether he has probable cause to arrest, may make a reasonable search for weapons, even though he is not absolutely certain that individual is armed (Board Review 16).

NYPD Operations Order 20 states that subject to tactical and safety considerations, as well as overall situational awareness, members of the service are permitted, but not required to, to use Department smartphones/tablets to photograph or video record all incidents when members of the service are taking, or attempting to take, and individual into custody (Board Review 09).

NYC Administrative Code 14-174 requires officers to offer a business card to such person at the

conclusion of law enforcement activity that does not result in an arrest or summons. The term “law enforcement activity” means any of the following activity; pedestrian stops where an officer has an individualized, reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime and where a reasonable person would not feel free to end the encounter at will; frisks; searched of persons or property including vehicles; roadblocks or checkpoint stops, including checkpoints related to enforcement of article 31 of the vehicle and traffic law, but not including planned security checks of vehicles at sensitive locations or street closures for public events or emergencies; home searches; and investigatory questioning of victims of or witnesses to crimes (Board Review 10).

§ 87(2)(g)

[REDACTED]

§ 87(2)(b) testified that Det. Sgambati frisked his right ankle area, right leg, searched his right pocket, removed his money and phone, and then searched his left pocket and removed his keys. Det. Sgambati acknowledged that § 87(2)(b) was frisked, however, he could not recall who it was that frisked him. Det. Sgambati also testified § 87(2)(b) was not searched. Sgt. Pomerantz and Det. Derco did not recall observing Det. Sgambati frisk or search § 87(2)(b) at any point. The cellphone video does not show Det. Sgambati frisking or searching § 87(2)(b) at any point, however, it does not capture the initial approach of the officers. § 87(2)(g)

[REDACTED]

The cellphone footage shows Det. Derco frisking § 87(2)(b)'s pants pockets while § 87(2)(b) was in handcuffs. Det. Derco initially stated that he did not observe any bulges or concealed items on § 87(2)(b)'s person and that he did not frisk him. However, after reviewing the footage, Det. Derco acknowledged frisking § 87(2)(b) and stated that although he could not recall for certain, he most likely frisked § 87(2)(b) because he had a bulge in his pocket, and he wanted to ensure that it was not a firearm given § 87(2)(b)'s violent history. § 87(2)(g)

[REDACTED]

The cellphone footage shows Det. Derco searching § 87(2)(b)'s pants pockets while § 87(2)(b) was in handcuffs. Det. Derco initially stated that he did not observe any bulges or concealed items on § 87(2)(b)'s person and that he did not search him. However, after reviewing the footage, Det. Derco acknowledged searching § 87(2)(b). Det. Derco stated that although he could not recall for

certain, he most likely searched § 87(2)(b) because he had a bulge in his pocket and he thought it could be a weapon, and that after recovering § 87(2)(b)'s cellphone he put it back. Det. Sgambati and Sgt. Pomerantz did not recall if they observed Det. Derco frisk or search § 87(2)(b). Det. Derco did not testify to what weapon he believed § 87(2)(b) was possibly concealing at that time and he did not provide a description of it. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

It is undisputed that Sgt. Pomerantz took a photograph of § 87(2)(b) on his department cellphone. § 87(2)(b) stated that he observed Sgt. Pomerantz take a photograph of him, look at a photograph of § 87(2)(b) on his phone, laugh, and tell § 87(2)(b) that he could be “twin brothers” with § 87(2)(b). § 87(2)(b) Sgt. Pomerantz testified that he took a photograph of § 87(2)(b) on his department cellphone and sent it to another investigator who was more familiar with § 87(2)(b) to confirm that § 87(2)(b) was not him. Sgt. Pomerantz stated that taking the photograph of § 87(2)(b) was the alternative to taking him to the stationhouse and gathering his fingerprints since he did not have his identification on him. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Sgt. Pomerantz, Det. Sgambati, and Det. Derco acknowledged that they did not provide § 87(2)(b) with their business cards. Sgt. Pomerantz testified that he did not have any business cards on him as he was not in an “enforcement capacity” at the time of the incident. Det. Sgambati stated that he did not provide § 87(2)(b) with a business card but acknowledged that he should have received one, and Det. Derco stated that he did not provide a business card to § 87(2)(b) because he was not the primary contact officer. § 87(2)(g)

§ 87(2)(b)

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§ 87(4-b) § 87(2)(g)

§ 87(2)(b)

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Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been party (Board Review 13).
- Sgt. Pomerantz has been a member of service for 13 years and has been a subject in 20 CCRB complaints and 60 allegations, of which one was substantiated.
 - 201200816 involved a substantiated allegation of a frisk. The Board recommended Charges and the NYPD imposed instructions.
 - Eight stop allegations have been pleaded Sgt. Pomerantz. Specifically, in cases

201809854 and 201801182, two stop allegations were unsubstantiated, in 201108325 one stop allegation was closed as complainant unavailable, in 20116089 one stop allegation was closed as victim uncooperative, in 201804310 two stop allegations were closed as closed- pending litigation, and in 201907725 two stop allegations were closed as exonerated.

- Det. Sgambati has been a member of service for 14 years and has been a subject in seven cases and 11 allegations, none of which were substantiated. § 87(2)(g)
- Det. Derco has been a member of service for 13 years and has been a subject in eight CCRB complaints and 24 allegations, of which three were substantiated.
 - 201104578 involved substantiated allegations of a stop and a frisk. The Board recommended Command Discipline and the NYPD did not impose a penalty.
 - 201003003 involved a substantiated allegation of a retaliatory summons. The Board recommended Charges and the NYPD imposed instruction.
 - Three frisk allegations have been pleaded against Det. Derco. Specifically, in cases 200915199 and 201003003, two frisk allegations were unsubstantiated and in 200918409 one frisk allegation was exonerated.
 - Two search of person allegations have been pleaded against Det. Derco. Specifically, in cases 200918409 and 201003003 the two search of person allegations were unsubstantiated.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of January 4, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 14).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 3

Investigator:	<u>Charis Jones</u>	<u>Inv. Charis Jones</u>	<u>05/11/2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Olga Golub</u>	<u>IM Olga Golub</u>	<u>05/11/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date